STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of CONNOR ERNEST REAUME, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DIONNA MARIE REAUME,

Respondent-Appellant,

and

ERNEST RAY REAUME,

Respondent.

UNPUBLISHED
June 13, 2006

No. 266148
Wayne Circuit Court
Family Division
LC No. 00-388273-NA

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Before: Whitbeck, C.J., and Zahra and Donofrio, JJ.

PER CURIAM.

In this consolidated appeal, respondents Dionna Reaume and Ernest Reaume (the Reaumes) appeal as of right from the trial court order terminating their parental rights to the minor child, Connor Reaume (d/o/b 7/30/04).[1] We affirm.

I. Basic Facts And Procedural History

A petition to take temporary custody of Connor was filed in Isabella County in September 2004 and transferred to Wayne County in November 2004. On January 21, 2005, an amended petition was filed in Wayne County, seeking permanent custody because of prior terminations. On March 7, 2003, Dionna Reaume's parental rights had been terminated to Stephanie Mizak (d/o/b 12/16/91), Kristina Meadows (d/o/b 7/10/93), Chelsea Mizak (d/o/b 7/19/97), and Justin Reaume (d/o/b 1/28/01). Ernest Reaume's parental rights were terminated to Justin. This Court affirmed.[2] Additionally, the Reaumes had voluntarily relinquished their parental rights to Emily Ann Mizak (d/o/b 1/23/00) on November 13, 2001. Dionna Reaume's oldest child, Lindsey Mizak (d/o/b 1/24/90), lived with her father, Dionna Reaume's ex-husband. The Reaumes admitted to the prior terminations as the basis for the trial court's jurisdiction. The trial court terminated the Reaumes' parental rights under MCL 712A.19b(3)(i) and (l).

II. Termination Of Parental Rights

A. Standard Of Review

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence.[3] Once this has occurred, the trial court "must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that *termination* is *not* in the child's best interests."[4]

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[1] MCL 712A.19b(3)(i) (parent's rights to sibling terminated because of abuse or serious and chronic neglect) and (l) (prior termination).

[2] *In re Reaume*, unpublished opinion per curiam of the Court of Appeals, issued February 26, 2004 (Docket No. 248010).

[3] *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991).

[4] *In re Trejo*, *supra* at 354, 364-365 (emphasis added); see MCL 712A.19b(5) ("If the court finds that there are grounds for termination of parental rights, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made, unless the court finds that termination of parental rights to the child is clearly not in the child's best interests."); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005).

We review the trial court's decisions under the clearly erroneous standard,[5] under which we defer to the trial court's special opportunity to assess the credibility of the witnesses.[6] A finding of fact is clearly erroneous if we are left with a definite and firm conviction that a mistake was made.[7]

B. Statutory Grounds For Termination

We conclude that the trial court did not clearly err in finding that statutory grounds for termination of the Reaumes' parental rights were established by clear and convincing evidence.

The Reaumes' parental rights were terminated under MCL 712A.19b(3)(i) and (l), which provide as follows:

> (3) The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:
>
> * * *
>
> (i) Parental rights to 1 or more siblings of the child have been terminated due to serious and chronic neglect or physical or sexual abuse, and prior attempts to rehabilitate the parents have been unsuccessful.
>
> * * *
>
> (l) The parent's rights to another child were terminated as a result of proceedings under section 2(b) of this chapter or a similar law of another state.

Both the Reaumes' parental rights to Justin, and Dionna Reaume's rights to Stephanie, Kristina, and Chelsea were terminated due to serious and chronic neglect or abuse, and prior attempts to rehabilitate them were deemed unsuccessful. The terminations were under section 2b of the child protection laws. The Reaumes participated in and benefited from many services, and Justin and then the other children were returned, but the Reaumes could not sustain the improvements once all four children were back home. The children were removed again, and this Court affirmed, finding that the Reaumes' parenting skills were not adequate, and they would be unable to protect the children.

Here, subsections (i) and (l) only require the fact of the prior termination, without any assessment of the parents' current fitness to raise a child. Therefore, we conclude that clear and convincing evidence existed to terminate the Reaumes' parental rights under these subsections.

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[5] MCR 3.977(J); *In re Trejo*, *supra* at 356-357; *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, *supra* at 672.

[6] MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

[7] *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

C. The Child's Best Interests

We further conclude that the trial court's finding that termination of the Reaumes' parental rights would not be contrary to the child's best interests was not clearly erroneous.

The trial court found much evidence favoring the Reaumes. This included that (1) Connor was well-cared for by the Reaumes, with no evidence of abuse or neglect, (2) the Reaumes owned their own home and had stable employment, (3) the Reaumes had a harmonious relationship, (4) the Reaumes were making progress, and (5) the Reaumes were providing proper care and custody to Connor. However, the trial court found other evidence that Connor would be at risk in the Reaumes' care. Ernest Reaume became upset easily; there was a long history of abuse or neglect, with children having to be removed again. Further, with Dionna Reaume's diagnoses of major depressive disorder and post-traumatic stress disorder, it was hard for her to function adequately by herself, let alone to raise a child. She admitted to at least five hospitalizations for depression. Dionna Reaume also admitted to past use of marijuana and cocaine, including during her pregnancy with Chelsea. She admitted that she currently drank limited amounts of alcohol. The Reaumes exposed their children to repeated contact with a known pedophile, who reportedly fondled Stephanie and Kristina. The trial court noted that the prior terminations occurred only two years ago and found significant that the best prognosis the Clinic could give was "fair to good."

Under the doctrine of anticipatory neglect, a parent's treatment of one child may be used to predict probable treatment of another.[8] In light of the Reaumes' long history of failing to protect their children and failure to provide a stable and safe home despite attempts at reunification, the evidence did not show that termination of their parental rights was clearly not in the child's best interests. The child needs a permanent, safe, stable home. We therefore conclude that the trial court did not clearly err in terminating the Reaumes' parental rights to Connor; that is, we are not left with a definite and firm conviction that termination was not clearly contrary to Connor's best interests.

We affirm.

/s/ William C. Whitbeck
/s/ Brian K. Zahra
/s/ Pat M. Donofrio

[8] *In re AH*, 245 Mich App 77, 84; 627 NW2d 33 (2001).